

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JULIA SCOTT, et al.,

Plaintiffs,

- v -

J. ANTHONY CAMBECE LAW OFFICE, P.C.,

Defendant.
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ORDER

CV-07-2771 (NG)(VVP)

The plaintiffs seek an order compelling the defendant to provide further responses to Requests 3 through 6 of their Requests for Admissions and to their Interrogatory No. 5. The defendant objects on two grounds: first, that the responses are sufficient, second, that the motion is untimely.

The defendant's timeliness argument has merit, as the plaintiffs did not make their motion until *after* the defendant had served their moving papers on the dispositive motion now being briefed to Judge Mauskopf. The disputed responses were served on March 31, 2008, and the plaintiffs were advised by the court in early April that they could challenge the sufficiency of the responses at that time. They failed to do so for over 60 days. To grant the motion now would delay the summary judgment proceedings before Judge Mauskopf. Accordingly, the plaintiffs' motion is denied.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
June 17, 2008